

ORDER FOR PRETRIAL PREPARATION

PRETRIAL CONFERENCE

1. Not less than 30 days prior to the pretrial conference, counsel shall exchange (but not file or lodge) the papers described in Civil L.R. 16-10(b)(7), (8), (9), and (10), and their motions in limine.

2. At least 20 days before the final pretrial conference, lead counsel who will try the case shall meet and confer with respect to:

(a) Preparation and content of the joint pretrial conference statement;

(b) Resolution of any differences between the parties regarding the preparation and content of the joint pretrial conference statement and the preparation and exchange of pretrial materials to be served and lodged pursuant to this Order for Pretrial Preparation. To the extent such differences are not resolved, parties will present the issues in the pretrial conference statement so that the judge may rule on the matter during the pretrial conference; and

(c) Settlement of the action.

3. Not less than 10 days prior to the pretrial conference, counsel shall submit the following.

(a) Pretrial Conference Statement. The parties shall file a joint pretrial conference statement containing the following information:

(1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed.

(2) The Factual Basis of the Action.

(A) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputed.

(B) Disputed Factual Issues. A plain and concise

1 statement of all disputed factual issues which remain to be
2 decided.

3 (C) Agreed Statement. A statement assessing whether all
4 or part of the action may be presented upon an agreed statement
5 of facts.

6 (D) Stipulations. A statement of stipulations requested
7 or proposed for pretrial or trial purposes.

8 (3) Disputed Legal Issues. Without extended legal argument,
9 a concise statement of each disputed point of law concerning
10 liability or relief.

11 (4) Further Discovery or Motions. A statement of all remaining
12 discovery or motions.

13 (5) Trial Alternatives and Options.

14 (A) Settlement Discussion. A statement summarizing the
15 status of settlement negotiations and indicating whether further
16 negotiations are likely to be productive.

17 (B) Consent to Trial Before a Magistrate Judge. A
18 statement whether the parties consent to a court or jury trial
19 before a magistrate judge, with appeal directly to the Ninth
20 Circuit.

21 (C) Bifurcation, Separate Trial of Issues. A statement of
22 whether bifurcation or a separate trial of specific issues is
23 feasible and desired.

24 (6) Miscellaneous. Any other subjects relevant to the trial of
25 the action, or material to its just, speedy and inexpensive
26 determination.

27 (b) Exhibit List and Objections. The exhibit list shall
28 list each proposed exhibit by its number, description, and sponsoring
witness, followed by blanks to accommodate the date on which it is
marked for identification and the date on which it is admitted into
evidence. **No party shall be permitted to offer any exhibit in its
case-in-chief that is not disclosed in its exhibit list without leave
of the Court for good cause shown.** Parties shall also deliver a set

1 of premarked exhibits to the Courtroom Deputy. The exhibit markers
2 shall each contain the name and number of the case, the number of the
3 exhibit, and blanks to accommodate the date admitted and the Deputy
4 Clerk's initials. (Appropriate sample forms are available on the
5 Court's website at www.cand.uscourts.gov). Any objections to exhibits
6 which remain after the pretrial meeting shall be indicated in the
7 pretrial statement.

8 (c) Witness List. In addition to the requirements of
9 FRCivP 26(a)(3)(A), a brief statement describing the substance of the
10 testimony to be given by each witness who may be called at trial. **No**
11 **party shall be permitted to call any witness in its case-in-chief that**
12 **is not disclosed in its pretrial statement without leave of Court for**
13 **good cause shown.**

14 (d) Use of Discovery Responses. In addition to the
15 requirements of FRCivP 26(a)(3)(B), a designation of any excerpts from
16 interrogatory answers or from responses for admissions intended to be
17 offered at trial. Counsel shall indicate any objections to use of
18 these materials and that counsel have conferred respecting such
19 objections.

20 (e) Trial briefs. Briefs on all significant disputed
21 issues of law, including foreseeable procedural and evidentiary
22 issues, which remain after the pretrial meeting.

23 (f) Motions in Limine. Any motions in limine that could
24 not be settled at the pretrial meeting shall be filed with the
25 pretrial statement. All motions in limine shall be contained within
26 one document, limited to 25 pages pursuant to Civil L.R. 7-2(b), with
27 each motion listed as a subheading. Opposition to the motions in
28 limine shall be contained within one document, limited to 25 pages,

1 with corresponding subheadings, and filed five (5) days thereafter.

2 (g) Joint Proposed Voir Dire. The attached voir dire
3 questionnaire will be given to the venire members, and copies of the
4 responses will be made available to counsel at the beginning of voir
5 dire. Counsel may submit a set of additional requested voir dire, to
6 be posed by the Court, to which they have agreed at the pretrial
7 meeting. Any voir dire questions on which counsel cannot agree shall
8 be submitted separately. Counsel may be allowed brief follow-up voir
9 dire after the Court's questioning.

10 (h) Joint Proposed Jury Instructions. Jury instructions
11 §1.1 through §1.12, §1.13 through §2.2, and §3.1 through §4.3 from the
12 Manual of Model Civil Jury Instructions for the Ninth Circuit (2001
13 Edition) will be given absent objection. Counsel shall jointly submit
14 one set of additional proposed jury instructions, to which they have
15 agreed at the pretrial meeting. The instructions shall be ordered in
16 a logical sequence, together with a table of contents. Any
17 instruction on which counsel cannot agree shall be marked as
18 "disputed," and shall be included within the jointly submitted
19 instructions and accompanying table of contents, in the place where
20 the party proposing the instruction believes it should be given.
21 Argument and authority for and against each disputed instruction shall
22 be included as part of the joint submission, on separate sheets
23 directly following the disputed instruction.

24 Whenever possible, counsel shall deliver to the Courtroom Deputy
25 a copy of their joint proposed jury instructions on a computer disk
26 in WordPerfect or ASCII format. The disk label should include the
27 name of the parties, the case number and a description of the
28 document.

1 (I) Proposed Verdict Forms, Joint or Separate.

2 (j) Proposed Findings of Fact and Conclusions of Law (Court
3 Trial only). Whenever possible, counsel shall deliver to the
4 Courtroom Deputy a copy of their proposed findings of fact and
5 conclusions of law on a computer disk in WordPerfect or ASCII format.
6 The disk label should include the name of the parties, the case number
7 and a description of the document.

8 JURY SELECTION

9 The Jury Commissioner will summon 20 to 25 prospective jurors.
10 The Courtroom Deputy will select their names at random and seat them
11 in the courtroom in the order in which their names are called.

12 Voir dire will be asked of sufficient venire persons so that
13 eight (or more for a lengthy trial) will remain after all peremptory
14 challenges and an anticipated number of hardship dismissals and cause
15 challenges have been made.

16 The Court will then take cause challenges, and discuss hardship
17 claims from the individual jurors, outside the presence of the venire.
18 The Court will inform the attorneys which hardship claims and cause
19 challenges will be granted, but will not announce those dismissals
20 until the process is completed. Each side may then list in writing
21 up to three peremptory challenges. The attorneys will review each
22 other's lists and then submit them to the Courtroom Deputy.

23 Then, from the list of jurors in numerical order, the Court will
24 strike the persons with meritorious hardships, those excused for
25 cause, and those challenged peremptorily, and call the first eight
26 people in numerical sequence remaining. Those people will be the
27 jury.

28 All jurors remaining at the close of the case will deliberate.

1 There are no alternates.

2 SANCTIONS

3 Failure to comply with this Order is cause for sanctions under
4 Federal Rule of Civil Procedure 16(f).

5 IT IS SO ORDERED.

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United States District Court
For the Northern District of California

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2 Dated: _____

s/CLAUDIA WILKEN

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CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE

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JUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: _____

2. Your age: _____

3. The city where you live: _____

4. Your place of birth: _____

5. Do you rent or own your own home? _____

6. Your marital status: (circle one)

single married separated divorced widowed

7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

8. Who is (or was) your employer?

9. How long have you worked for this employer? _____

10. Please list the occupations of any adults with whom you live.

11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

12. Please describe your educational background:

Highest grade completed: _____

1 College and/or vocational schools you have attended:

2 _____
3 _____
4 _____
5 _____

6 Major areas of study: _____

7 13. Have you ever served on a jury before? _____ How many
8 times? _____

9 If yes: State/County Court _____ Federal Court _____

10 When? _____

11 Was it a civil or criminal case? _____

12 Did the jury(ies) reach a verdict? _____
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16 (rev. 9/4/02)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, an individual, and
SONIA DUNN-RUIZ, an individual,

Plaintiff(s),

v.

NEWELL RUBBERMAID, INC., ET AL,

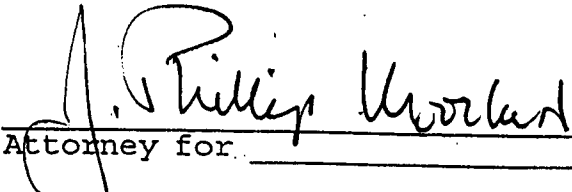
Defendant(s).

CASE NO.: C 06 7026 CW

CONSENT TO PROCEED
BEFORE A UNITED STATES
MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. Section 636(c), the below-named party(ies) to the above-captioned civil matter hereby voluntarily waive their rights to proceed before a Judge of the United States District Court and consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.

Dated: 2.23.07


Attorney for

DECLINATION

The below-named party(ies) decline to consent at this time to reference of the above-captioned matter to a United States Magistrate Judge for trial

Dated: _____

Attorney for _____

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 Andrew Shalaby v. Bernzomatic/Home Depot, Inc.
4 CASE NO. C 06 7026 CW

5 **PROOF OF SERVICE**

6 I am employed in the county of Los Angeles, State of
7 California. I am over the age of 18 and not a party to the within
8 action; my business address is 229 Avenue "I", Second Floor,
9 Redondo Beach, California 90277.

10 On February 23, 2007, I served the foregoing document
11 described as **CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE**
12 **JUDGE** on all interested parties in this action as set forth below:

13 Mark D. Epstein
14 Alborg, Veiluva & Epstein LLP
15 200 Pringle Avenue, Suite 410
16 Walnut Creek, CA 94596
17 (925) 939-9880 FAX (925) 939-9915
18 (Attorneys for Plaintiffs, Andrew Shalaby and Sonia Dunn-
19 Ruiz)

20 FACSIMILE - by use of facsimile machine telephone number
21 (310)540-8480, I served a copy of the within document, to the by
22 facsimile numbers set forth above. The facsimile machine I used
23 complied with California Rules of Court, Rule 2004, and no error
24 was reported by the machine. Pursuant to California Rules of
25 Court, Rule 2006(d), I caused the machine to print a transmission
26 record of the transmission, a copy of which is attached to this
27 Declaration.

28 FEDERAL - I declare under penalty of perjury that the
foregoing is true and correct, and that I am employed in the
office of a member of the Bar of this Court at whose direction the
service was made.

Executed on February 23, 2007, at Redondo Beach, California.

21 Deidre A. Picascia
22 Deidre A. Picascia

02/23/2007 15:17
26YE03631
TC:174240

REMOTE STATION	START	TIME	Pages	RESULT	REMARKS
19259399915	02-23 15:17	00:00 33	002/002	OK	

REMARKS TMR:Timer, POL:Poll, TRN:Turn around, 2IN:2in1 Tx, ORG:Original size set, DPG:Book Tx
 FME:Frame erase Tx, MIX:Mixed original, CALL:Manual-Com, KRDS:KRDS, FWD:FORWARD
 FLP:Flip Side 2, SP:Special Original
 FCODE:Fcode, MBX:Confidential, BUL:Bulletin, RLY:Relay, RTX:Re-Tx, PC:PC-FAX
 S-OK:Stop communication, Busy:Busy, Cont.:Continue, No ans:No answer
 M-full:Memory full, PW-OFF:Power switch OFF, TEL:Rx from TEL

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, an individual, and
 SONIA DUNN-ROIZ, an individual,

Plaintiff(s),

v.

NEWELL RUBBERMAID, INC., ET AL,

Defendant(s).

CASE NO.: C 06 7026 CW

CONSENT TO PROCEED
 BEFORE A UNITED STATES
 MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. Section 636(c), the below-named party(ies) to the above-captioned civil matter hereby voluntarily waive their rights to proceed before a Judge of the United States District Court and consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.

Dated: 2.23.07

J. Phillip Woodard
 Attorney for

DECLINATION

The below-named party(ies) decline to consent at this time to reference of the above-captioned matter to a United States Magistrate Judge for trial

Dated: _____

Attorney for _____

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, et al.

No. C 06 7026 CW

Plaintiff(s),

**CONSENT TO PROCEED BEFORE A
UNITED STATES MAGISTRATE JUDGE**

v.

NEWELL RUBBERMAID, INC., et al.

Defendant(s).

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: February 23, 2007


Signature

Counsel for Plaintiffs
(Plaintiff, Defendant or indicate "pro se")

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, an individual, and)	CASE NO. C 06 7026 CW
SONIA DUNN-RUIZ, an individual,)	
)	
Plaintiffs,)	
)	
v.)	PROTECTIVE ORDER
)	
NEWELL RUBBERMAID, INC., et al.,)	
)	
Defendants.)	

This matter came before the Court upon the stipulation of the parties for the entry of a protective order concerning the proprietary and confidential information of the Defendant Bernzomatic, an unincorporated division of Irwin Industrial Tools, Inc. ("Bernzomatic"), the public release of which, during discovery, could harm Bernzomatic's position in the marketplace. Upon agreement of the parties, by indication of the signature of their counsel below, the Court enters the following Protective Order:

In order to preserve and maintain the confidentiality of certain documents to be produced by Bernzomatic in the above-captioned action or otherwise made available by Bernzomatic it is hereby ORDERED that:

1. Documents to be produced by Bernzomatic during discovery in this litigation contain trade secrets and other confidential research, development and commercial information of Bernzomatic. These documents are hereafter referred to as "Protected Documents." Except as otherwise indicated below, all documents that Bernzomatic has designated as "Confidential" or "Subject to Protective Order" that are produced by Bernzomatic to, or otherwise obtained by

plaintiffs or their respective attorneys, consultants, agents or experts in this action shall be Protected Documents and given confidential treatment as described above.

2. Protected Documents shall not include (a) advertising materials, (b) materials that on their face show that they have been published to the general public, or (c) documents that have been submitted to any government entity without request for confidential treatment.

3. Bernzomatic shall only designate materials as "Protected Documents" which contain actual "trade secrets" as defined by California Civil Code § 3426.1(d), and which are of a proprietary business or technical nature that might reasonably pose a commercial disadvantage or reasonably be of value to a competitor or potential customer of Bernzomatic. Absent a specific order by the Court, once designated as a "Protected Document", such document shall be used by the parties solely in connection with this litigation, and not for any business, competitive, or governmental purpose or function, and such information shall not be disclosed to anyone except as otherwise provided herein.

4. If Plaintiffs contend that any document has been erroneously designated for treatment as a Protected Document, they shall nevertheless treat the document as a Protected Document unless and until plaintiffs either (a) obtain Bernzomatic's written permission to do otherwise, or (b) obtain an Order of this Court finding that the document is not a Protected Document.

5. Except with the prior written consent of Bernzomatic or upon further Order of this Court, Plaintiffs or their representatives shall show Protected Documents, and shall disclose the contents thereof, only to the following persons (hereinafter referred to as "Qualified Persons"):

- a) Plaintiffs themselves;
- b) Plaintiffs' counsel of record in this action;

c) Employees of Plaintiffs' counsel whose assistance is needed by counsel for the purposes of this litigation, including but not limited to trial of this action;

d) Independent experts and consultants retained by Plaintiffs counsel for assistance in this case, including for purposes of preparing for trial, pleadings and motions to be filed with the Court, settlement conferences, mediations, and court ordered proceedings;

e) the Court;

f) court reporters employed in connection with this action;

g) graphics or design services retained by counsel for plaintiffs for purposes of preparing demonstrative or other exhibits for deposition, trial or other court proceedings in this action;

h) non-technical jury or trial consulting services retained by counsel for plaintiffs;

i) executives, officers, directors, employees and representatives of Bernzomatic or any affiliated business entity, and/or any person designated to testify at deposition on Bernzomatic's behalf pursuant to Federal Rule of Civil Procedure 30(b)(6); and

j) any other person upon order of the Court or upon prior written consent of Bernzomatic.

6. Before being given access to any Protected Document, each Qualified Person to whom Plaintiffs or their representatives intend to deliver, exhibit or disclose any Protected Document or material contained therein shall be advised of the terms of this Order, shall be given a copy of this Order and shall agree in writing in the form attached hereto as Exhibit A, to

be bound by its terms. Counsel for Plaintiffs shall maintain a list of all Qualified Persons to whom any Protected Document or material contained therein is provided, and that list shall be available for inspection by the Court.

7. Plaintiffs' counsel shall keep records of all copies of each Protected Document distributed, in whole or in part, to Qualified Persons. Any copy so distributed shall be returned to counsel for Plaintiffs after the completion of the Qualified Person's consultation or representation in this case.

8. To the extent that any Protected Document or information obtained therefrom is used in the taking of depositions, such documents or information shall remain subject to the provisions of this Order, along with the transcript pages of the deposition testimony dealing with the Protected Documents or information. Any time any Protected Document is used in any deposition, the reporter will be informed of this Order by Counsel for Plaintiffs and will be required to operate in a manner consistent with this Order, and the reporter shall separately label the confidential portions of the deposition transcript.

9. All documents that are filed with the Court that contain any portion of any Protected Document or information taken from any Protected Document shall be filed in a sealed envelope or other appropriate sealed container on which shall be endorsed the title to the action to which it pertains, an indication of the nature of the contents of such sealed envelope or other container, the words "Subject to Protective Order" and a statement substantially in the following form:

This envelope is sealed and contains information filed in this case "Subject to a Protective Order by [name of party] and is not to be opened or the contents thereof displayed or revealed except by Order of the Court or pursuant to written stipulation of the parties to this

action. This envelope or container shall not be opened without Order of the Court, except by officers of the Court and counsel of record, who, after reviewing the contents, shall return them to the Clerk in a sealed envelope or container.

10. Promptly after the conclusion of this action, all Protected Documents, all copies thereof and all excerpts therefrom shall be returned to counsel for Bernzomatic.

11. Plaintiffs, their counsel, and experts or any other person retained by Plaintiffs to assist in the preparation of this action shall not under any circumstances sell, offer for sale, advertise, or publicize either the contents of the Protected Documents or the fact that Plaintiffs have obtained Bernzomatic confidential documents.

12. After termination of this litigation, the provisions of this Order shall continue to be binding, except with respect to those documents and information that became a matter of public record. This Court retains and shall have jurisdiction over the parties and recipients of the Protected Documents for enforcement of the provisions of this Order following termination of this litigation.

13. This Order shall be binding upon the parties hereto, upon their attorneys, and upon the parties' and their attorneys' successors, executors, personal representatives, administrators, heirs, legal representatives, assigns, subsidiaries, divisions, employees, agents, independent contractors, and other persons or organizations over which they have control. But see Local Rule 79-5.

Dated: 2/27/07



JUDGE

AGREED TO BY:

Mark D. Epstein
Attorney for Plaintiff

J. Phillip Moorhead
Attorney for Defendant

EXHIBIT A

I, _____, do hereby acknowledge that I have read a copy of
the attached Protective Order, and I agree to be bound by the terms of the order.

Dated this _____ day of _____, 2007.

Signed by:

(PRINT NAME)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, et al.,

No. C 06-07026 CW

Plaintiffs,

ORDER OF REFERENCE
TO MAGISTRATE JUDGE

v.

NEWELL RUBBERMAID, INC., et al.,

Defendants.

Pursuant to Local Rule 72-1 and the consent of parties, IT IS
HEREBY ORDERED that the above-captioned case is referred for all
further proceedings in the case, including trial, and the entry of
a final judgment to a Magistrate Judge to be heard and considered
at the convenience of his/her calendar. The case management dates
previously set remain in effect, **except** the pretrial conference and
trial dates are vacated and will be reset by the assigned
Magistrate Judge. Dispositive motions shall be heard on or before
November 2, 2007, **in accordance with the assigned Magistrate
Judge's civil law and motion calendar.** Counsel will be advised of
the date, time and place of any appearance by notice from the
assigned Magistrate Judge.

Dated: 3/7/07



CLAUDIA WILKEN
United States District Judge

cc: Wings

UNITED STATES DISTRICT COURT
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking
Clerk

General Court Number
415.522.2000

March 8, 2007

CASE NUMBER: CV 06-07026 CW

CASE TITLE: ANDREW SHALABY-v-NEWELL RUBBERMAID INC

REASSIGNMENT ORDER

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that this case is reassigned to the **SAN FRANCISCO** division.

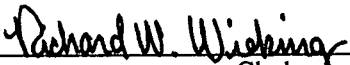
Honorable **ELIZABETH D. LAPORTE** for all further proceedings.

Counsel are instructed that all future filings shall bear the initials **EDL** immediately after the case number.

ALL MATTERS PRESENTLY SCHEDULED FOR HEARING ARE VACATED AND SHOULD BE RENOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THE CASE HAS BEEN REASSIGNED.

Date: 03/08/07

FOR THE EXECUTIVE COMMITTEE:


Clerk

NEW CASE FILE CLERK:

Copies to: Courtroom Deputies
Log Book Noted

Special Projects
Entered in Computer 03/08/07 MAB

CASE SYSTEMS ADMINISTRATOR:
Copies to: All Counsel

Transferor CSA

J. Phillip Moorhead, Esq. (SBN 99445)
 KELLER, PRICE & MOORHEAD
 229 Avenue I, Second Floor
 Redondo Beach, California 90277-5600
 Telephone: (310) 540-1332

Attorneys for Defendant, NEWELL RUBBERMAID INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA


ANDREW SHALABY, an individual,)	CASE NO. C 06 7026 CW
and SONIA DUNN-RUIZ, an)	Magistrate Judge Elizabeth D.
individual,)	LaPorte
Plaintiffs,)	
v.)	STIPULATED EXTENSION OF ADR
NEWELL RUBBERMAID, INC., a)	DEADLINE
Delaware Corporation, THE HOME)	
DEPOT, INC., a Delaware)	
Corporation,)	
Defendants.)	

All parties to this action agree and stipulate that an extension of at least 90 days is needed for the Court-ordered ADR session to be meaningful and productive. Therefore, the parties hereby respectfully request that the ADR date in this matter be extended for approximately 90 days, or until such date as the Court deems proper. The parties are not seeking an extension of

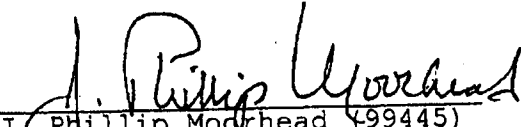
1 any other dates set forth in the Court's February 20, 2007 Minute
2 Order and Case Management Order.

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4 STIPULATED BY:

5
6 DATED: March 21, 2007


Mark D. Epstein (168221)
Attorneys for Plaintiff
Alborg, Veiluva & Epstein LLP
200 Pringle Avenue, Suite 410
Walnut Creek, CA 94596
Phone: (925) 939-9880
Fax: (925) 939-9915

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11 DATED: March 20, 2007


J. Phillip Moorhead (99445)
Attorneys for Defendants
Keller, Price & Moorhead
229 Avenue I, Second Floor
Redondo Beach, CA 90277-5600
Phone: (310) 540-1332
Fax: (310) 540-8480

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, an individual,)
and SONIA DUNN-RUIZ, an)
individual,)
Plaintiffs,)
v.)
NEWELL RUBBERMAID, INC., a)
Delaware Corporation, THE HOME)
DEPOT, INC., a Delaware)
Corporation,)
Defendants.)

CASE NO. C 06 7026 CW
Magistrate Judge Elizabeth D.
LaPorte
**(PROPOSED) ORDER EXTENDING ADR
DEADLINE**

IT IS HEREBY ORDERED that the deadline for the Court-ordered
ADR session in this action be extended to allow for a meaningful
and productive session. The ADR session deadline is extended to

IT IS SO ORDERED:

DATED:

Elizabeth D. LaPorte
Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, et al.,

Plaintiffs,

v.

NEWELL RUBBERMAID, INC., et al.,

Defendants

No. C 06-07026 EDL

ORDER SETTING CASE
MANAGEMENT CONFERENCE

[Reassigned Case]

TO ALL PARTIES AND COUNSEL OF RECORD:

The above-entitled matter having been reassigned to the Honorable Elizabeth D. Laporte, for trial and all further proceedings, it is hereby ordered, pursuant to Fed. R. Civ. P. 16 and Civil L. R. 16-10, that a Case Management Conference shall be held in this case on **April 17, 2007** at 10:00 a.m. in Courtroom E, 15th Floor, U.S. District Court, 450 Golden Gate Avenue, San Francisco, California.

The parties shall appear in person or through counsel and shall be prepared to discuss all items referred to in Civil L.R. 16-10. In view of the recent filing of case management statements, no additional case management statements need be filed.

IT IS SO ORDERED.

Dated: March 22, 2007

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, an individual,)
and SONIA DUNN-RUIZ, an)
individual,)

Plaintiffs,)

v.)

NEWELL RUBBERMAID, INC., a)
Delaware Corporation, THE HOME)
DEPOT, INC., a Delaware)
Corporation,)
Defendants.)

CASE NO. C 06 7026 CW

Magistrate Judge Elizabeth D.
LaPorte

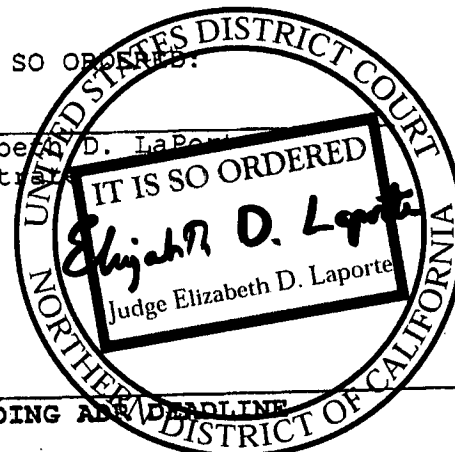
~~(PROPOSED)~~ ORDER EXTENDING ADR
DEADLINE

IT IS HEREBY ORDERED that the deadline for the Court-ordered
ADR session in this action be extended to allow for a meaningful
and productive session. The ADR session deadline is extended to
July 25, 2007

DATED: March 22, 2007

IT IS SO ORDERED.

Elizabeth D. LaPorte
Magistrate Judge



-1-

~~(PROPOSED)~~ ORDER EXTENDING ADR DEADLINE

MICHAEL J. VEILUVA (State Bar No. 100419)
MARK D. EPSTEIN (State Bar No. 168221)
ALBORG, VEILUVA & EPSTEIN LLP
200 Pringle Avenue, Suite 410
Walnut Creek, CA 94596
Telephone: (925) 939-9880
Facsimile: (925) 939-9915

Attorneys for Plaintiffs
Andrew Shalaby and Sonia Dunn-Ruiz

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY and SONIA DUNN-
RUIZ,

Plaintiffs,

vs.

NEWELL RUBBERMAID, INC.,
RUBBERMAID, INCORPORATED, and
THE HOME DEPOT, INC.,

Defendants.

Case No. C 06-07026 EDL

**REQUEST FOR TELEPHONIC
APPEARANCE AT CASE
MANAGEMENT CONFERENCE**

Date: April 17, 2007

Time: 10:00 a.m.

Judge: The Hon. Elizabeth D. Laporte

Ctrm: E

I, Mark D. Epstein, counsel of record for plaintiffs Andrew Shalaby and Sonia Dunn-Ruiz in the above-entitled matter, respectfully request the Court's permission to appear by telephone at the case management conference scheduled for April 17, 2007 at 10:00 a.m. in Courtroom E of this Court. The reason for this request is that I am scheduled to be in San Diego attending the depositions of several witnesses in this case, along with counsel for defendants.

Dated: March 27, 2007

Respectfully submitted,

ALBORG, VEILUVA & EPSTEIN LLP

/S/

By:

MARK D. EPSTEIN
Attorneys for Plaintiffs

1 MICHAEL J. VEILUVA (State Bar No. 100419)
2 MARK D. EPSTEIN (State Bar No. 168221)
3 ALBORG, VEILUVA & EPSTEIN LLP
4 200 Pringle Avenue, Suite 410
5 Walnut Creek, CA 94596
6 Telephone: (925) 939-9880
7 Facsimile: (925) 939-9915

8 Attorneys for Plaintiffs
9 Andrew Shalaby and Sonia Dunn-Ruiz

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 ANDREW SHALABY and SONIA DUNN-
13 RUIZ,

14 Plaintiffs,

15 vs.

16 NEWELL RUBBERMAID, INC.,
17 RUBBERMAID, INCORPORATED, and
18 THE HOME DEPOT, INC.,

19 Defendants.

Case No. C 06-07026 EDL

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Jan Baerwald, certify and declare as follows:

I am over the age of eighteen (18) years and not a party to this action. My business address is Alborg, Veiluva & Epstein LLP, 200 Pringle Avenue, Suite 410, Walnut Creek, California 94596, which is located in the City, County and State where the mailing described below took place.

On March 27, 2007, I deposited in the United States Mail at Walnut Creek, California, the document described as **STANDING ORDER RE CASE MANAGEMENT CONFERENCE**, addressed as follows:

Attorneys for Newell Rubbermaid, Inc. and Rubbermaid Inc.

J. Phillip Moorhead, Esq.
Keller, Price & Moorhead
Attorneys at Law
229 Avenue I, Second Floor
Redondo Beach, CA 90277-5600

Beth S. Naylor, Esq.
Frost, Brown & Todd, LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, OH 45202

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed in Walnut Creek, California on March 27, 2007.

/s/

JAN BAERWALD

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY and SONIA
DUNN-RUIZ,

Plaintiffs,

v.

NEWELL RUBBERMAID, INC., et al.,

Defendants.

No. C06-07026 EDL

**ORDER GRANTING APPLICATION TO
APPEAR TELEPHONICALLY**

On March 28, 2007, Plaintiffs' and Defendants' counsel filed a request to appear telephonically at the initial case management conference set for April 17, 2007 at 10:00 a.m. Good cause appearing, IT IS HEREBY ORDERED that the Request is GRANTED subject to the following caution. The court disfavors telephonic appearances because the technology prevents the court from addressing a question to the parties or making a comment or ruling whenever any participant speaks at length. Accordingly, the parties shall only speak in response to a direct question from the court and shall pause at regular intervals to allow the court to comment on the information presented. If the court wishes to hear a response by the opposing party, the court will inform the party from whom information is requested. No party shall attempt to present information without a request from the court. If the parties cannot follow the rules set forth in this order, or at the first sign of improper decorum, the telephonic appearance will be terminated and a new hearing date will be set for personal appearances.

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1 Counsel shall stand by beginning at the date and time above until called by the Court. No later
2 than two Court days prior, the parties shall call the Court's courtroom deputy at 415-522-3694 to
3 provide the Court with a direct dial number to call on for this appearance.

4
5 Dated: April 3, 2007

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

United States District Court
For the Northern District of California

J. Phillip Moorhead, Esq. (SBN 99445)
 KELLER, PRICE & MOORHEAD
 229 Avenue I, Second Floor
 Redondo Beach, California 90277-5600
 Telephone: (310) 540-1332

Attorneys for Defendants, NEWELL RUBBERMAID INC. and HOME DEPOT
 U.S.A., INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, an individual,)	CASE NO. C 06 7026 EDL
and SONIA DUNN-RUIZ, an)	
individual,)	Magistrate Judge Elizabeth D.
)	LaPorte
Plaintiffs,)	
)	REQUEST FOR TELEPHONIC
v.)	APPEARANCE AT CASE MANAGEMENT
)	CONFERENCE
NEWELL RUBBERMAID, INC., a)	Date: April 17, 2007
Delaware Corporation, THE HOME)	Time: 10:00 a.m.
DEPOT, INC., a Delaware)	Place: Courtroom E
Corporation,)	
Defendants.)	

I, J. Phillip Moorhead, counsel of record for Defendants,
 Newell Rubbermaid Inc. and Home Depot U.S.A., Inc., in the above-
 referenced matter, respectfully request the Court's permission to
 appear by telephone at the case management conference scheduled
 for April 17, 2007, at 10:00 a.m., in Courtroom E of this Court.
 The reason for this request is that I am scheduled to be in San
 Diego attending the depositions of several witnesses in this case,
 along with counsel for Plaintiff.

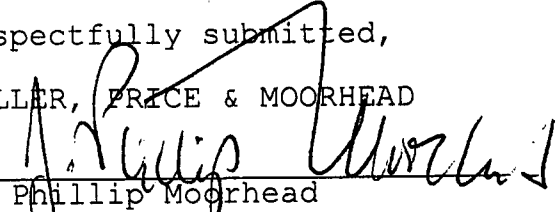
Defendants, Newell Rubbermaid Inc. and Home Depot U.S.A.,

1 Inc., also request that this Court permit a telephonic appearance
2 on behalf of the clients' representative at the case management
3 conference by Beth Naylor, Esq. of the law firm of Frost Brown
4 Todd, 2200 PNC Center, 201 East 5th Street, Cincinnati, Ohio 45202;
5 telephone number (513) 651-6726.

6
7 DATED: April 4, 2007

Respectfully submitted,

8 KELLER, PRICE & MOORHEAD

9 
10 J. Phillip Moorhead
11 Attorneys for Defendants
12 NEWELL RUBBERMAID INC., and HOME
13 DEPOT U.S.A., INC.
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1 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
2 Andrew Shalaby v. Bernzomatic/Home Depot, Inc.
CASE NO. C 06 7026 CW

3
4 **PROOF OF SERVICE**

I am employed in the county of Los Angeles, State of
5 California. I am over the age of 18 and not a party to the within
6 action; my business address is 229 Avenue "I", Second Floor,
Redondo Beach, California 90277.

7 On April 4, 2007, I served the foregoing document described as
8 **REQUEST FOR TELEPHONIC APPEARANCE AT CASE MANAGEMENT CONFERENCE** on
all interested parties in this action as set forth below:

9
10 Mark D. Epstein
Alborg, Veiluva & Epstein LLP
200 Pringle Avenue, Suite 410
11 Walnut Creek, CA 94596
(925) 939-9880 FAX (925) 939-9915
12 (Attorneys for Plaintiffs, Andrew Shalaby and Sonia Dunn-Ruiz)

13
14 FACSIMILE - by use of facsimile machine telephone number
(310)540-8480, I served a copy of the within document, to the by
15 facsimile numbers set forth above. The facsimile machine I used
16 complied with California Rules of Court, Rule 2004, and no error
17 was reported by the machine. Pursuant to California Rules of
Court, Rule 2006(d), I caused the machine to print a transmission
record of the transmission, a copy of which is attached to this
Declaration.

18 FEDERAL - I declare under penalty of perjury that the
19 foregoing is true and correct, and that I am employed in the office
of a member of the Bar of this Court at whose direction the service
was made.

20 Executed on April 4, 2007, at Redondo Beach, California.

21 
22 Deidre A. Picascia

J. Phillip Moorhead, Esq. (SBN 99445)
 KELLER, PRICE & MOORHEAD
 229 Avenue I, Second Floor
 Redondo Beach, California 90277-5600
 Telephone: (310) 540-1332

Attorneys for Defendants, NEWELL RUBBERMAID INC. and HOME DEPOT
 U.S.A., INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, an individual,)	CASE NO. C 06 7026 EDL
and SONIA DUNN-RUIZ, an)	
individual,)	Magistrate Judge Elizabeth D.
)	LaPorte
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)	REQUEST FOR TELEPHONIC
v.)	APPEARANCE AT CASE MANAGEMENT
)	CONFERENCE
NEWELL RUBBERMAID, INC., a)	Date: April 17, 2007
Delaware Corporation, THE HOME)	Time: 10:00 a.m.
DEPOT, INC., a Delaware)	Place: Courtroom E
Corporation,)	
Defendants.)	

I, J. Phillip Moorhead, counsel of record for Defendants,
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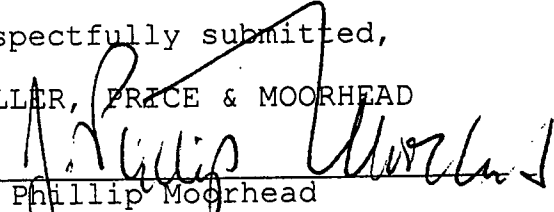
Defendants, Newell Rubbermaid Inc. and Home Depot U.S.A.,

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4 Todd, 2200 PNC Center, 201 East 5th Street, Cincinnati, Ohio 45202;
5 telephone number (513) 651-6726.

6
7 DATED: April 4, 2007

Respectfully submitted,

8 KELLER, PRICE & MOORHEAD

9 
10 J. Phillip Moorhead
11 Attorneys for Defendants
12 NEWELL RUBBERMAID INC., and HOME
13 DEPOT U.S.A., INC.
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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 Andrew Shalaby v. Bernzomatic/Home Depot, Inc.
4 CASE NO. C 06 7026 CW

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of a member of the Bar of this Court at whose direction the service
was made.

Executed on April 4, 2007, at Redondo Beach, California.

21 *Deidre A. Picasia*
22 Deidre A. Picasia